



PATENT
Customer No. 22,852
Attorney Docket No. 06028.0027-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
François COTTARD et al.)	Group Art Unit: 1751
)	
Application No.: 10/688,970)	Examiner: E. Elhilo
)	
Filed: October 21, 2003)	Confirmation No.: 4185
)	
For: OXIDATION DYEING COMPOSITION)	
FOR KERATIN FIBERS COMPRISING)	
A CATIONIC POLY(VINYLLACTAM))	
AND AT LEAST ONE C ₁₀ -C ₁₄ FATTY)	
ALCOHOL, METHODS AND DEVICES)	
FOR OXIDATION DYEING)	

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97(c)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Section 1.17(p).

Copies of the U.S. patent and Office Actions in co-pending patent applications

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are not enclosed because they are available on the USPTO Image File Wrapper System of PAIR. Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir. 2003) that an "adverse decision" by another examiner may meet the materiality standard under the amended Rule 56, and thus, Applicant should disclose prior rejections of "substantially similar claim[s]" to the Office. Accordingly, although Applicant is not representing that the office actions in the co-pending applications are material to the present application and is not admitting that any of the other claims are substantially similar, out of an abundance of caution, Applicant has listed substantive office actions from co-pending applications on the attached PTO SB/08.

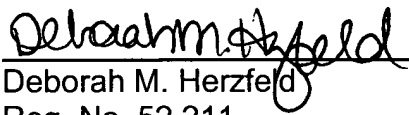
This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the U.S. Patent and Trademark Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By: 
Deborah M. Herzfeld
Reg. No. 52,211

Date: April 17, 2006

<div style="display: flex; justify-content: space-between; align-items: center;"> <div style="text-align: left;"> <p>Substitute for form 1449A-PTO</p> <p>APR 17 2006</p> <p>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</p> <p><i>(Use as many sheets as necessary)</i></p> </div> <div style="text-align: right;"> <p>Complete if Known</p> </div> </div>				<p>Application Number</p>		<p>10/688,970</p>	
				<p>Filing Date</p>		<p>October 21, 2003</p>	
<p>First Named Inventor</p>		<p>François COTTARD</p>					
<p>Art Unit</p>		<p>1751</p>					
<p>Examiner Name</p>		<p>E. Elhilo</p>					
<p>Attorney Docket Number</p>		<p>06028.0027-00000</p>					
<p>Sheet</p>	<p>1</p>	<p>of</p>	<p>1</p>				

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS					
Examiner Initials	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1	US-5,587,155	12-24-1996	Ochiai et al.	

Note: Copies of the U.S. Patent Documents are not Required in IDS filed after October 21, 2004

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No. ¹	Foreign Patent Document Country Code ³ Number ⁴ Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation ⁶

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation ⁶
	2	Office Action dated Dec. 6, 2005, in co-pending U.S. Patent Application No. 10/690,696 (Attorney Docket No. 06028.0028-00000) Examiner Elhilo.	
	3	Office Action dated May 23, 2005, in co-pending U.S. Patent Application No. 10/690,696 (Attorney Docket No. 06028.0028-00000) Examiner Elhilo.	
	4	Office Action dated Nov. 10, 2004, in co-pending U.S. Patent Application No. 10/690,696 (Attorney Docket No. 06028.0028-00000) Examiner Elhilo..	
	5	Office Action dated Jul. 5, 2005, in co-pending U.S. Patent Application No. 10/688,958 (Attorney Docket No. 06028.0029-00000) Examiner Elhilo.	
	6	Office Action dated Nov. 9, 2004, in co-pending U.S. Patent Application No. 10/688,958 (Attorney Docket No. 06028.0029-00000) Examiner Elhilo.	

<p>Examiner Signature</p>	<p>Date Considered</p>
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